IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 1803 of 2007

DATED: 2.2.2007

Between:

Smt G.Subhadra petitioner

And

The Prl.Controller of Defence Accounts/Pensions,
Draudadi Ghat, Allahabad, U.P. and 3 ors Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 1803 OF 2007

ORAL ORDER:

The relief sought for in the present writ petition is as under;

> "……..directing the respondents to pay the Pension, Gratuity, Provident Fund and other benefits of G.Seethaiah (Fitter & Pipe Highly skilled worker) No. MES/104458, Ministry of Defence (MES), GEE/M, Secunderabad to the petitioner and her minor children following the Registered will executed on 11.11.2004……..."

The brief facts, as per the affidavit filed in support of the writ petition are as under;

The petitioner herein is second wife of Mr. G.Seethaiah, who died on 7.1.2007. Mr.G.Seethaiah, earlier married G.Nagamani and begotten two children and due to differences, the said marriage was dissolved before the society panchayati on payment of permanent alimony of Rs.50,000/- to his first wife. Thereafter, Mr.G Seethaiah married the petitioner herein. While so, Mr. G Seethaiah died on 7.1.2007.

The petitioner claims that her husband executed a registered will dated dated 11.11.2004 and in terms of the said will she and her children are entitled to receive the service benefits of her husband.

The petitioner stated to have approached the concerned officials to release the death benefits of her husband and alleges that she was

advised to obtain necessary directions from this Court. Hence, the present writ petition.

The dispute in the present writ petition is between two wives of a deceased employee and petitioner herein being second wife claims that her husband executed a registered will and in terms of the said will she is entitled to receive the service benefits of her husband. The dispute is purely civil in nature and it is well settled that civil disputes cannot be adjudicated before this Court. The proper course open for the petitioner is to approach the competent Civil Court.

Accordingly, the writ petition is dismissed granting liberty to petitioner to approach the competent Civil Court. No costs.

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N.V.RAMANA,J

DATE: 2.2.2007
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